

2010 24211 *cu*



ORDINANCE NO. O2010-15

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; PROVIDING FOR AMENDMENT OF SECTIONS 4-10, 5-1, 5-5 and 5-7 OF THE CITY OF WILDWOOD CHARTER; PROVIDING THE CITY COMMISSION WITH AUTHORITY TO REQUIRE THAT A CITY MANAGER LIVE GEOGRAPHICALLY CLOSE TO OR WITHIN THE CITY; PROVIDING THAT ELECTIONS SHALL BE HELD IN NOVEMBER AT THE TIME OF THE STATE GENERAL ELECTION; PROVIDING THAT THE COUNTY CANVASSING BOARD MAY CANVASS ELECTIONS; PROVIDING THAT THE SUPERVISOR OF ELECTIONS MAY QUALIFY CANDIDATES; PROVIDING FOR PLACEMENT OF SAID CHANGES ON THE BALLOT FOR REFERENDUM VOTE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.031, Florida Statutes, provides for amendments to municipal charters; and,

WHEREAS, the statute provides that a governing body of a municipality may by ordinance submit to the electors of the municipality a proposed amendment to the charter which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality; and,

WHEREAS, the governing body of the municipality must place the proposed amendment contained in the ordinance to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose; and,

WHEREAS, the City Commission has determined that it needs to amend the Charter to allow the City Manager to reside outside of the City's utility zone; and,

WHEREAS, the City Commission wishes to change the date of elections for city officials to the date of the state general election in hopes of encouraging a larger voter turnout and saving expenses.

NOW, THEREFORE, be it ordained by the City Commission of the City of Wildwood, Florida:

SECTION 1. Upon approval by referendum vote, Section 4-10 of the City of Wildwood Charter, shall be amended as follows (cross-throughs indicate deletions and underlines indicate additions):

Section 4-10. Appointment, qualifications and compensation.

The city commission may appoint a city manager who shall be the administrative head of the city government, under the direction and supervision of the city commission, and who shall hold office at the pleasure of the city commission. He or she shall receive such compensation as the city commission may by resolution or contract fix and determine. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political belief, and shall be over the age of 21 years; . The city commission shall have discretion to require

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City of Wildwood  
100 N Main Street  
Wildwood FL 34785

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that the city manager shall reside in the city's municipal service zone in a geographic area close to or within the City during his term of office, but he or she need not be a resident of the city, county, or state at the time of his or her appointment.

SECTION 2. Upon approval by referendum vote, Section 5-1 of the City of Wildwood Charter, shall be amended as follows (cross-throughs indicate deletions and underlines indicate additions):

Section 5-1. Time of holding; terms of officers; special elections.

The city commission, composed of one mayor-commissioner and four commissioners shall run in five groups. The mayor-commissioner seat shall be designated as group 1. The city commissioner seats presently designated as group 2, group 3, group 4 and group 5 shall continue to be so designated. Each candidate for a seat on the city commission shall indicate or have indicated at the time of his or her qualification the group for which he or she is a candidate. The regular election for the offices of the city commissioners shall be held on the first Tuesday after the first Monday in ~~December~~ November of each state general election year of each year. ~~The mayor commissioner and the city commissioners in groups 2 and 4 shall be elected in 2005 and every four years thereafter. The city commissioners in groups 3 and 5 shall be elected in 2004 and every four years thereafter. The mayor commissioner and the city commissioners in groups 2 and 4 serving at the time of enactment of this ordinance shall remain in the seats for which they currently hold office and each office shall be extended until 2014. An election shall be held for the offices of mayor commissioner and the city commissioners in groups 2 and 4 in 2014 for a 4 year term and every four years thereafter. An election shall be held for the offices of the city commissioners in groups 3 and 5 in 2012 for a 4 year term and every four years thereafter.~~ Officers elected shall qualify and take office on the second-Monday in January. The present members of the city commission shall serve as commissioners under this act until their successors are duly qualified, elected, qualified and installed in office. Special elections shall be held from time to time as may be authorized by ordinance or this Charter.

SECTION 3. Upon approval by referendum vote, Section 5-5 of the City of Wildwood Charter, shall be amended as follows (cross-throughs indicate deletions and underlines indicate additions):

Section 5-5. ~~City commission to be the judge of election~~ Canvassing and qualification of its members.

1. Unless a majority of the city commission votes to utilize the supervisor of elections for qualifying of candidates and conducting the election and the county canvassing board for canvassing the election, the city commission shall be the judge of conduct the election and shall have the authority to determine the qualification of its members, subject to review by the courts.

2. If the city commission has not authorized the county canvassing board to canvass the election, at the time that the city commission meets to canvass the results of any election, any registered elector of the city shall be entitled to file

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with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this Charter as to the manner of his election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.

3. The city commission may by ordinance authorize the supervisor of elections to provide for qualifying for candidates and conduct the election and for the county canvassing board to canvass the election. If the city commission provides the supervisor of elections and the county canvassing board with such authority, then the supervisor of elections shall be responsible for the qualifying of candidates and conducting the election and the county canvassing board shall canvass the election. Once an ordinance is enacted authorizing the transfer of these responsibilities, the supervisor of elections and the county canvassing board shall retain this authority at all subsequent elections unless the city commission enacts a subsequent ordinance transferring such responsibility back to the City. Any such ordinance must be enacted and provided to the supervisor of elections and county canvassing board at least one year prior to the next general election.

SECTION 4. Upon approval by referendum vote, Section 5-7 of the City of Wildwood Charter, shall be amended as follows (cross-throughs indicate deletions and underlines indicate additions):

Section 5-7. Qualification of candidates for city commission.

Unless the city commission has voted to authorize the supervisor of elections to provide qualifying for candidates, C~~candidates~~ for city commission shall qualify as candidates upon application to the city clerk, in conformity with the general law of the state and ordinances pursuant thereto. If the city commission has authorized the supervisor of elections to provide qualifying for candidates, the candidate shall qualify upon application to the supervisor of elections. Qualification shall occur at the same time as qualification for the state general election and shall be pursuant to state law.

SECTION 5. Pursuant to the authority provided in Section 166.031, Florida Statutes, the City commission of the City of Wildwood, Florida submits to the electors of the City of Wildwood the following questions:

A. Should Section 4-10 of the City of Wildwood Charter, be amended as follows (cross-throughs indicate deletions and underlines indicate additions):

Section 4-10. Appointment, qualifications and compensation.

The city commission may appoint a city manager who shall be the administrative head of the city government, under the direction and supervision of the city commission, and who shall hold office at the pleasure of the city commission. He or she shall receive such compensation as the city commission may by resolution or contract fix and determine. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political belief, and shall be over

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the age of 21 years. The city commission shall have discretion to require that the city manager shall reside in the city's municipal service zone in a geographic area close to or within the City during his term of office, but he or she need not be a resident of the city, county, or state at the time of his or her appointment.

☐ Yes

☐ No

B. Should Section 5-1 of the City of Wildwood Charter, be amended as follows (cross-throughs indicate deletions and underlines indicate additions):

Section 5-1. Time of holding; terms of officers; special elections.

The city commission, composed of one mayor-commissioner and four commissioners shall run in five groups. The mayor-commissioner seat shall be designated as group 1. The city commissioner seats presently designated as group 2, group 3, group 4 and group 5 shall continue to be so designated. Each candidate for a seat on the city commission shall indicate or have indicated at the time of his or her qualification the group for which he or she is a candidate. The regular election for the offices of the city commissioners shall be held on the first Tuesday after the first Monday in ~~December~~ November of each state general election year of each year. ~~The mayor commissioner and the city commissioners in groups 2 and 4 shall be elected in 2005 and every four years thereafter. The city commissioners in groups 3 and 5 shall be elected in 2004 and every four years thereafter. The mayor commissioner and the city commissioners in groups 2 and 4 serving at the time of enactment of this ordinance shall remain in the seats for which they currently hold office and each office shall be extended until 2014. An election shall be held for the offices of mayor commissioner and the city commissioners in groups 2 and 4 in 2014 for a 4 year term and every four years thereafter. An election shall be held for the offices of the city commissioners in groups 3 and 5 in 2012 for a 4 year term and every four years thereafter.~~ Officers elected shall qualify and take office on the second Monday in January. The present members of the city commission shall serve as commissioners under this act until their successors are duly qualified, elected, qualified and installed in office. Special elections shall be held from time to time as may be authorized by ordinance or this Charter.

☐ Yes

☐ No

C. Should Section 5-5, City of Wildwood Charter, be amended as follows (cross-throughs indicate deletions and underlines indicate additions):

Section 5-5. ~~City commission to be the judge of election~~  
Canvassing and qualification of its members.

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1. Unless a majority of the city commission votes to utilize the supervisor of elections for qualifying of candidates and conducting the election and the county canvassing board for canvassing the election, the city commission shall be the judge of conduct the election and shall have the authority to determine the qualification of its members, subject to review by the courts.

2. If the city commission has not authorized the county canvassing board to canvass the election, at the time that the city commission meets to canvass the results of any election, any registered elector of the city shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this Charter as to the manner of his election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.

3. The city commission may by ordinance authorize the supervisor of elections to provide for qualifying for candidates and conduct the election and for the county canvassing board to canvass the election. If the city commission provides the supervisor of elections and the county canvassing board with such authority, then the supervisor of elections shall be responsible for the qualifying of candidates and conducting the election and the county canvassing board shall canvass the election. Once an ordinance is enacted authorizing the transfer of these responsibilities, the supervisor of elections and the county canvassing board shall retain this authority at all subsequent elections unless the city commission enacts a subsequent ordinance transferring such responsibility back to the City. Any such ordinance must be enacted and provided to the supervisor of elections and county canvassing board at least one year prior to the next general election.

\_\_\_\_ Yes  
\_\_\_\_ No

D. Should Section 5-7, City of Wildwood Charter, be amended as follows (cross-throughs indicate deletions and underlines indicate additions):

Section 5-7. Qualification of candidates for city commission.

Unless the city commission has voted to authorize the supervisor of elections to provide qualifying for candidates, C~~candidates~~ for city commission shall qualify as candidates upon application to the city clerk, in conformity with the general law of the state and ordinances pursuant thereto. If the city commission has authorized the supervisor of elections to provide qualifying for candidates, the candidate shall qualify upon application to the supervisor of elections. Qualification shall occur at the same time as qualification for the state general election and shall be pursuant to state law.

\_\_\_\_ Yes  
\_\_\_\_ No

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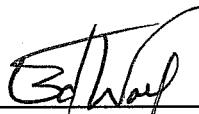
SECTION 6. These questions shall be placed on the ballot at the next general election on December 7, 2010.

SECTION 7. If any section, subsection, sentence, clause, phrase of this ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

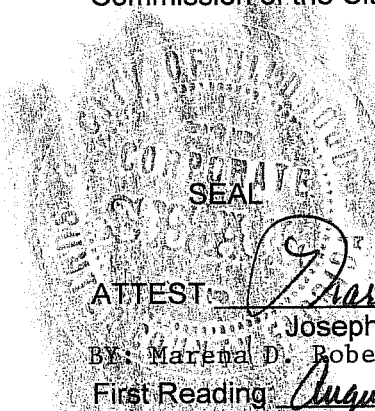
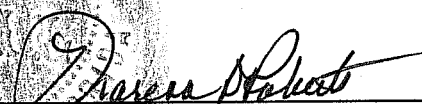
SECTION 8. This ordinance shall take effect immediately upon its final adoption by the City Commission and the Charter changes will become effective on approval by a majority in the referendum election to be held December 7, 2010.

PASSED AND ORDAINED this 23<sup>rd</sup> day of August, 2010, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

  
\_\_\_\_\_  
Ed Wolf, Mayor

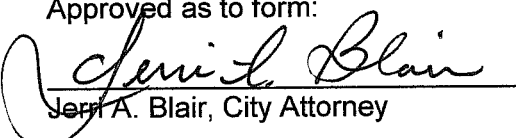
ATTEST

  
  
BY: Joseph Jacobs, City Clerk  
Marena D. Roberts, Assistant City Clerk

First Reading: August 9, 2010

Second Reading: August 23, 2010

Approved as to form:

  
\_\_\_\_\_  
Jenn A. Blair, City Attorney